

Public Notice No. 37-07

Notice of Proposed Administrative Penalty Assessments and Opportunity to Comment

AGENCY: Environmental Protection Agency (EPA)

ACTION: Notice of Proposed Administrative Penalty Assessments and Opportunity to Comment

SUMMARY: EPA is providing notice of proposed administrative penalty assessments for alleged violations of the Clean Water Act. EPA is also providing notice of opportunity to comment on the proposed penalty assessments.

Under 33 U.S.C. §1319(g), EPA is authorized to issue an order assessing civil penalty for various violations of the Act. EPA may issue such order after the commencement of a Class I and/or Class II penalty proceeding. EPA provides public notice of the proposed assessments pursuant to 33 U.S.C. §1319(g)(4)(a).

Class I proceedings are conducted under EPA's Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties or the Revocation and Suspension of Permits (CROP), pursuant to 40 CFR Part 22. Section 22.13(b) of the CROP sets forth procedures for simultaneous commencement and conclusion of administrative civil penalty assessment proceedings where the parties agree to settlement of one or more causes of action. This is accomplished through issuance of a consent agreement and final order pursuant to Sections 22.18(b)(2) and 22.18(b)(3) of the CROP. The subject penalty assessment noticed herein follows the procedures set forth in Section 22.13(b).

The procedures by which the public may submit written comments on a Class I penalty assessment or participate in a Class I penalty proceeding are set forth in Section 22.45(c) of the CROP. The deadline for submitting comments on a proposed Class I penalty assessment is thirty (30) days after issuance of the public notice. Comments should be sent to:

Héctor Ortiz,
Environmental Engineer
Caribbean Environmental Protection Division
U.S. Environmental Protection Agency, Region 2
Edificio Centro Europa, Suite 205B
1492 Avenida Ponce de León
San Juan, Puerto Rico 00907-4127.
Tel. 787-977-5883

On January 11, 2007, EPA commenced the proceedings for the assessment of penalties:

In the matter of VS Group Park Corporation – San Juan Industrial Park Construction Project located at State Road 1, Km. 25.4, Quebrada Arena Ward, San Juan, Puerto Rico 00926.; Docket No. CWA-02-2007-3326 for a proposed penalty of \$15,000.00, for operating without a NPDES permit in violation of Section 301(a) of the Act, 33 U.S.C. §1311 from January 10, 2006 until February 10, 2006, and failure to comply with its National Pollutant Discharge Elimination System (“NPDES”) storm water permit authorized under Section 402 of the Act, 33 U.S.C. § 1342.

FOR FURTHER INFORMATION: persons wishing to receive a copy of the CROP, 40 CFR Part 22, review the Complaints or other documents filed in the proceedings, comment upon a proposed assessment, or otherwise participate in any of the proceedings, should contact the Regional Hearing Clerk identified above. Unless otherwise noted, the administrative records for the proceedings are located in the EPA Regional Office identified above, and the files will be open for public inspection during normal business hours. All information submitted by the Respondents are available as part of the administrative records, subject to provisions of law restricting public disclosure of confidential information. In order to provide opportunity for public comments, EPA will issue no final orders assessing penalties in these proceedings prior to 30 days from the date specified below.

Dated: April 10, 2007
Carl-Axel P. Soderberg, Director
Caribbean Environmental Protection Division